

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NETFUEL, INC.,

Plaintiff,

v.

F5 NETWORKS, INC.

Defendant.

Case No.

JURY TRIAL DEMANDED

COMPLAINT

1. Plaintiff NetFuel, Inc. ("NetFuel") brings this Complaint against Defendant F5 Networks, Inc. ("F5") as follows:

NATURE OF THE CASE

2. This is a complaint for patent infringement under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

3. NetFuel is a Delaware Corporation with offices in Los Gatos, California and Park Ridge, Illinois. NetFuel owns United States Patent Nos. 7,747,730 and 8,131,851.

4. F5 is a corporation organized and existing under the laws of the State of Washington. It has an office in this judicial district at Two Mid-America Plaza, Suite 902, Oak Brook Terrace, Illinois 60181.

JURISDICTION AND VENUE

5. This Court has original jurisdiction over the subject matter of this Complaint under 28 U.S.C. § 1338(a). Venue in this district is proper under 28 U.S.C. §§ 1400(b) and 1391(b)-(d).

6. NetFuel builds programmable infrastructure for software-defined networking. All of NetFuel's commercial activities, hardware and software infrastructures and software development activities are located in the Northern District of Illinois. NetFuel currently provides network engineering consulting and professional services to the second largest bank in the United States.

7. F5 designs, manufactures, distributes, offers for sale and sells systems of application delivery services on hardware or software platforms, including its BIG-IP product suite. F5 markets and sells its products through authorized retailers as well as through its website: www.f5.com.

8. F5 maintains an office in the Northern District of Illinois this judicial district and, through at least the foregoing activities, has purposefully availed itself of the privilege of conducting business with residents of this judicial district such that it should reasonably and fairly anticipate being brought into court in this judicial district.

PATENT INFRINGEMENT

9. F5 sells a line of products called the BIG-IP Product Suite. The product line comprises BIG-IP Local Traffic Manager (LTM), BIG-IP Global Traffic Manager (GTM), BIG-IP Access Policy Manager (APM), BIG-IP Advanced Firewall Manager (AFM), BIG-IP Application Acceleration Manager (AAM), BIG-IP Application Security Manager (ASM), BIG-IP Carrier-Grade NAT (CGNAT), BIG-IP Edge Gateway, Enterprise Manager, BIG-IP Link Controller, and BIG-IP Policy Enforcement Manager (PEM) ("the Accused Products").

10. NetFuel owns full right, title and interest in and has the sole and exclusive right to enforce and has standing to sue and recover damages for infringement of U.S. Patent No. 7,747,730 and ("the '730 Patent") entitled "Managing Computer Network Resources" (Ex. A);

and U.S. Patent No. 8,131,851 ("the '851 Patent") entitled "Managing Computer Network Resources" (Ex. B).

11. F5 has directly infringed and continues to infringe at least claims 7-22, 24, 26-34 and 36 of the '730 Patent through the foregoing activities including, without limitation, developing, testing and implementing, manufacturing, using, offering for sale and selling the Accused Products.

12. F5 has directly infringed and continues to infringe at least claims 8-17 of the '851 Patent through the foregoing activities including, without limitation, developing, testing and implementing, manufacturing, using, offering for sale and selling the Accused Products.

REQUESTED RELIEF

WHEREFORE, NetFuel requests that a judgment be entered as follows:

- A. An injunction prohibiting F5, and all those acting in concert or participation with F5, from further acts of infringement of the '730 Patent and the '851 Patent;
- B. An award to NetFuel of such damages as it can prove at trial against F5 sufficient to fully and adequately compensate it for the acts of infringement that have occurred, said damages to be no less than a reasonable royalty; and
- C. Such other relief as this Court and the jury may determine to be proper and just.

JURY DEMAND

A trial by jury is hereby demanded on all issues triable to a jury in this case.

Respectfully submitted,

/s/Olivia T. Luk

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